

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed February 18, 2010. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claim 26 has been amended. No new matter has been added. Accordingly, Claims 26-34 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 102

On pages 2-3 of the Detailed Action, the Examiner rejected Claims 26-30 and 32-34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 20070029829 to Johnson et al. (“Johnson et al.”). This rejection should be withdrawn because Johnson et al. does not disclose, teach or suggest the claimed invention.

For example, independent Claim 26 recites a “component for a vehicle interior” comprising, among other elements, a “a flexible skin having a flange that extends substantially entirely about the periphery of the skin . . . wherein the area over which the skin is provided comprises a first soft region and a second soft region, the first soft region and the second soft region each defining an exposed surface of the component that is configured to be interfaced by a vehicle occupant . . . and wherein the skin extends continuously between the first soft region and the second soft region.”

Johnson et al. does not disclose, teach or suggest such a component. In contrast, Johnson et al. discloses a component having a cushioned region that is formed by injecting a foam material between the skin and the substrate. During the injecting process, the foam material extends to the peripheral edges of the skin so that the entire area under the skin is filled with the foam material. To contain the foam material, the peripheral edge of the skin includes a

protrusion that engages the substrate to form a relatively airtight and/or watertight seal. This seal prevents the foam material from escaping from the cavity defined by the skin and the substrate. While Johnson et al. discloses in paragraph [0020] that the component may have localized regions of cushioning, including regions where the skin may be in direct contact with the substrate, as noted by the Examiner, such localized regions of cushioning are always disclosed as being separate and distinct parts (see, e.g., Figure 11 and paragraph [0052]) and are not provided under the same continuous skin as required by independent Claim 26. Rather, the language and figures relied upon by the Examiner simply discloses that some parts of the component may have the skin in the direct contact with the substrate to provide one degree of softness and other parts of the component may have a filler material between the skin and the substrate to provide different degree of softness. However, such parts cannot be provided under a continuous piece of skin, as required by independent Claim 26, because of the technique used in Johnson et al. for adding the foam material between the substrate and the skin. In fact, Johnson et al. teaches away from such a component. If the foam material did not extend to the periphery of the skin (i.e., to the edge of the skin coupled to the substrate) in Johnson et al., there would be no way to control the location and/or distribution of the foam material under the skin.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claim 26 because at least one element of such claim is not disclosed, taught or suggested by Johnson et al. Claims 27-34, as they depend from independent Claim 26, are allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of this rejection of Claims 26-34 is respectfully requested. Finally, Applicants once again reserve the right to establish in future proceedings, if necessary, that Johnson et al. is not available as a prior art reference against the present Application.

Claim Rejections – 35 U.S.C. § 103

On pages 3-5, the Examiner rejected Claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al. in view of U.S. Publication No. 20020125734 to Pokorzynski et al. (“Pokorzynski et al.”). This rejection should be withdrawn because Johnson et al., whether

taken alone or in any proper combination with Pokorzynski et al., fails to disclose, teach or suggest the claimed invention.

In rejecting Claim 31, the Examiner stated that “Johnson does not teach a compressible material that is closed cell foam.” In an attempt to correct this deficiency, the Examiner cited to Pokorzynski et al. for allegedly teaching this subject matter.

Claim 31 depends from independent Claim 26. As detailed above, Applicants have amended independent Claim 26 to recite a combination of subject matter that Applicants believe to be allowable over Johnson et al. Pokorzynski et al. does not correct the deficiencies of Johnson et al. that were set forth above. Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 31 at least because of its dependency from independent Claim 26, without regard to the further patentable subject matter set forth in such claim.

Claim Rejections – Double Patenting

On pages 5-6 of the Detailed Action, the Examiner provisionally rejected Claims 26-30 and 32-34 on the grounds of non-statutory obvious-type double patenting as being “unpatentable over claims 1-29 and 34-40 of copending Application No. 10/575,436.” On pages 6-7 of the Detailed Action, the Examiner provisionally rejected Claim 31 on the grounds of non-statutory obvious-type double patenting as being “unpatentable over claims 34-40 of copending Application No. 10/575,436 in view of Pokorzynski et al.” On page 8 of the Detailed Action, the Examiner provisionally rejected Claims 26-30 and 32-34 on the grounds of non-statutory obvious-type double patenting as being “unpatentable over claims 25-29 of copending Application No. 10/585,037.” On page 9 of the Detailed Action, the Examiner provisionally rejected Claim 31 on the grounds of non-statutory obvious-type double patenting as being “unpatentable over claims 34-40 of copending Application No. 10/585,037 in view of Pokorzynski et al.”

Applicants believe that these double patenting rejections are moot in view of the amendments made to independent Claim 26. With the amendment to independent Claim 26, Claims 26-34 are patentably distinct from the claims pending in the ‘436 application and in the

‘037 application, alone or in any proper combination with Pokorzynski et al. Even if the Examiner disagrees, Applicants respectfully request that the provisional double patenting rejections be withdrawn in the present Application and that the present Application be permitted to issue as a patent without a terminal disclaimer pursuant to M.P.E.P. § 804(I)(B)(1). While Applicants do not acquiesce with the provisional double patenting rejections, Applicants note that such a rejection can be addressed, if necessary, in the later-filed applications (i.e., U.S. Patent Application No. 10/575,436 and U.S. Patent Application No. 10/585,037).

* * *

Applicants believe that the present Application is now in condition for allowance. In particular, even when the elements of Applicants’ claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the present Application as amended is respectfully requested.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 5/18/2010

By /Adam M. Gustafson/

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (414) 297-5652
Facsimile: (414) 297-4900

Adam M. Gustafson
Attorney for Applicant
Registration No. 54,601